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LEGISLATIVE UPDATE

COVERING CRIMINAL JUSTICE LEGISLATIVE ISSUES

DEPARTMENT OF PUBLIC ADVOCACY

SOCIAL WORKER PILOT PROJECT, A SUCCESS

Proves \$3.1 million can be saved in incarceration costs

A Successful Strategy

The Social Worker Pilot Project was a success for Kentucky. The money the 2006 Kentucky General Assembly invested in the pilot was money well spent. The 2006 Regular Session funded four social workers to test whether social workers in public defender trial offices would result in an increase in treatment for persons facing incarceration while also decreasing incarceration, thus resulting in a savings to Kentucky. The Project tested whether addressing defendants "root" problems would prevent them from reoffending.

- The recidivism rate of clients who worked with social workers was 15 to 18 percent compared to 34 percent overall in Kentucky.
- 93 percent of the adults who received drug or alcohol treatment abstained from those substances.
- 80 percent of the clients referred to job training stayed in the training or completed it.
- 10,000 days of incarceration were saved by each social worker, equal to 27 years
- After accounting for the cost of the social workers and the services used by the clients, the program saved \$3.25 for every dollar invested.
- Projected savings of \$3.1 million if the program is fully funded.
- 67% of inmates are addicted and 50% are mentally ill.

The program "aims at changing the pattern of drug offenders endlessly recycled through the judicial and correctional systems, burdened with felony convictions that make it difficult for them to get work when they eventually rejoin society. It's a small wager when the stakes are so high and the odds are so good."

(Lexington Herald-Leader, January 27, 2008)

Kentucky is addicted to Incarceration: Rates and Costs are High

- (2004) Kentucky had the nation's fifth highest percentage growth in inmates
- (2006) 20,000 people incarcerated in Kentucky's jails, prisons, etc.
- (2007) 22,000 people incarcerated in Kentucky's jails, prisons, etc.
- (2006) Cost of incarceration \$371.5 million
- (2007/08) Cost of incarceration \$417.6 million
- Recidivism rate in Kentucky is 34% (2007)
- Less than 20% of Kentucky jail inmates who need substance abuse treatment receive it.
- The projected cost of incarceration is at an all-time high of \$417.6 million for FY 2008 (DOC) with a request of an additional \$75 million.

Jails generally are not designed, equipped, staffed or funded to provide the kind of rehabilitation programs that offer "anything more than a faint hope of helping inmates after incarceration,"
Professor Robert Lawson
UK Law School



The Revolving Door: Untreated Drug Offenders and Mentally Ill

Repeat offenders contribute to the inmate growth rate. Kentucky's recidivism rate is currently 33%. Studies show that treatment programs and drug court are effective in **decreasing** recidivism while also saving the state money. Unfortunately, 20% of jails have no treatment options and only 50% have nothing more than Alcoholics Anonymous. (DOC Study, Price Foster). Persons with mental illness in jails are even less likely to receive treatment because the medical payment for housing inmates is less than \$2.00 a day. Yet, drug offenders in Kentucky Facilities have tripled since 1992. Left untreated, many will not find their way out of the criminal justice system.

Pilot Designed to Connect Defendants to Treatment

In October 2006 three social workers were hired for **Covington, Morehead and Owensboro** Trial Offices and in July 2007 a fourth social worker was placed in the **Bowling Green Trial Office**. The Pilot included seventeen rural and urban counties. Each social worker had a Masters degree or was experienced in dealing with persons with addiction, mental illness and people with criminal histories.

Directing Attorneys pre-screened defendants and referred only those cases that would otherwise lead to detention and commitment. The only cases excluded from the Pilot were sex offenses, violent felony offenses carrying 85% parole eligibility and low-level offenses that would not require detention or incarceration. Social workers quickly became integral members of the defense team.

229 Defendants were served by four social workers in four Pilot regions. Only 8 were rearrested.

Social Workers Filled Gap in the Criminal Justice System

Each social worker was appointed early in the case and participated in the client's recovery through the disposition of the case or until the person re-entered the community. Social workers have the training that neither the defense attorneys nor the judges have to connect persons to resources. Social Workers have ethical and professional standards to advocate for defendants with chronic socio-economic problems. They are trained to understand health and mental health problems, are resourceful in finding necessary treatment and services appropriate for each individual, and are skilled to empower defendants in their successful transition to self-sufficiency.

What Social Workers Did

Social workers interviewed defendants and determined the medical, social, and economic barriers to getting out of the criminal justice system. They collected medical records and criminal records (a total of 394 records for the 292 defendants). The social workers:

- Worked with youth and adult clients with drug and alcohol problems and mental illness,
- Found prescribed treatment in the community, other counties or states that would treat the root problems for each defendant including therapy, medications and/or treatment programs,
- Wrote interventions that supported a judge or prosecutor's decision to either conditionally release/divert the case or impose alternative sentencing which combined job training and treatment, employment, mental health treatment and GED classes,
- Created other successful recommendations for pre-trial diversion for adult clients linking poor clients to services they would not have been able to access alone,
- Created other successful dispositional plans for youth and children in the juvenile justice system which presented reasonable alternatives to detention and commitment, and
- Found resources to make treatment possible by using UNITE vouchers and other funding while transporting clients, and getting the family involved.
- Assisted them in successfully reentering their community.

Views from Local Judges:

Social Workers Provide More Information and More Treatment Options

Campbell County District Judge Karen Thomas said that "it's far cheaper to treat and create a support system for mentally troubled inmates than to keep locking them up for repeat crimes" (Kentucky Post, Oct. 13, 2006)

Judges are more likely to dismiss, divert or probate defendants to treatment if they have reliable information about a defendant.

Circuit Judge Mains in Morehead said he "support(s) using social workers in defender offices." "The more information I have about a client - - - whether before sentencing or at trial - - - the more informed my decision will be."

Judge Mains is among other judges who believe defendants are being impacted positively as a result of the social workers' intervention and alternative treatment plans. Judge Mains described Sarah Grimes, MSW. "Sarah provides a vital link to community based resources needed to address and assist indigent clients with many of their underlying needs and social problems..."

Circuit Court Judge Gregory Bartlett in Covington says, "The social worker has been successful in recommending to me various programs throughout the state where defendants who are in need of such services may be placed in lieu of incarceration."

"As resources become available, I recommend expansion of the Public Advocate Social Worker Program as a very cost effective way to support the public advocates in delivery of legal defense services to indigent clients and to improve the quality of justice in our courts," concludes **Senior Judge Griffin III** in Owensboro.

The Alcohol and Drug Treatment Results, Positive

The majority (72%) of adult defendants remained active or completed substance abuse treatment after social workers intervened and courts ordered diversion.

Substance use decreased significantly after social worker intervention. The number of adults using AA, NA or other self-help groups tripled after social service involvement.

"I have worked with the DPA social worker in Bowling Green Trial Office and find her to be an enormous benefit to the individuals we work with. Many of these individuals are mentally ill or have substance abuse issues,"

Dixie Hawes Falk, Program Manager, LifeSkills, Inc.

Mental Health Treatment Outcomes, Good

Adult defendants who received mental health treatment were either still active in the program or had successfully completed it (67%). The most frequent referral for juveniles was for mental health treatment. At the time of this report, 74% of juveniles were either still active in treatment or had successfully completed it.

The social worker in Owensboro "did the legwork in obtaining an assessment for treatment for a felon resulting in her acceptance into a long-term treatment program. Having an appropriate plan for this defendant's rehabilitation at final sentencing made a difference to her. I believe that it is likely that the treatment program implemented in this case will reduce the risk of her re-offending in the future."

**Judge Henry M. Griffin III
Senior Judge**

Job Training, Housing, GED, and Education, Extraordinary

80% of adult defendants referred to job training were still active in programs or had successfully completed them. Three quarters of defendants referred for housing assistance were either still actively seeking housing or actually had received it. Accessing particular services for adult defendants was a problem. Education is the engine that drives the state economy and a sure way to rehabilitate those formerly incarcerated.

Social Workers Reduced Incarceration

10,000 days of incarceration was saved per social worker or 27 years each

DPA social workers had a significant effect at sentencing. A measure was taken of each defendant's potential sentence upon assignment by the court. Then a measure was taken of the actual sentence after the social worker intervention, at 6 months. UofL concluded that each social worker saved 10,000 days in reduced incarceration in this period. The total days saved in reduced incarceration for the Pilot (3 social workers) was 30,087 days or 82 years. "The potential savings for the program if expanded state-wide is significant in both reducing incarceration and saving money," states **Dr. Rod Barber**, the Pilot's author.

Fewer Returning to the Criminal Justice System

The Pilot studied the rate of those who reoffended during the year. The study concluded the intensive case management offered by the social workers made a difference in the rate of recidivism. **The recidivism rate for the Pilot was 15 to 18% compared to Kentucky's rate of approximately 33%.**

"Many jails are under continued and increasing operating pressure, with the strain directly impacting county budgets. With jail operations consuming an increasing amount of county funds, some county governments are forced to reallocate money from other county activities to jails.... Costs associated with [housing state] prisoners, particularly medical costs, have also increased."

**Legislative Research Commission,
Issues Confronting the
2008 Kentucky General Assembly.**

Social Workers Saved Kentucky Money

\$3.1 million Annual Saving

The Social Worker Pilot annual net savings was nearly \$300,000 or \$1,605 savings per defendant. The net savings per social worker was \$96,836. This translates to an estimated savings if the Pilot is expanded statewide to include all 30 Public Defender Trial Offices to \$3.1 million net savings annually. This is after the cost of treatment and operating is subtracted. **Kentucky will recover the cost of the social worker, the cost of treatment and save approximately \$100,000 per social worker each year.**



Legislative Update

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**Social Worker Pilot Report to the
2008 Kentucky General Assembly
Department of Public Advocacy**

*“The Pilot Project paid for itself and returned \$100,000 per social worker”
Dr. Rod Barber, University of Louisville*

The 2006 Kentucky General Assembly funded four *DPA social workers* to determine whether social workers working with attorneys could effectively:

- decrease the number of persons incarcerated,
- help defendants access treatment and services to prevent them from re-offending, and
- save Kentucky money.

This special report to the 2008 Kentucky General Assembly describes the Pilot Project and why social worker intervention can help the hardest and most costly defendants to serve in the criminal justice system access necessary treatment to keep them out of the courts and on their way to recovery.

What are the savings to Kentucky?

- \$3.1 to \$4 million if the program is expanded to all 30 trial offices
- 10,000 days or 27 years in incarceration per social worker
- Lives transformed and families reunited.